



**Wandera v Republic (Criminal Revision E114 of 2025)  
[2025] KEHC 15507 (KLR) (29 October 2025) (Ruling)**

Neutral citation: [2025] KEHC 15507 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAKURU  
CRIMINAL REVISION E114 OF 2025  
HI ONG'UDI, J  
OCTOBER 29, 2025**

**BETWEEN**

**SHADRACK WANDERA ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. Shadrack Wandera the applicant herein was charged and convicted in Nakuru MCCR/E1776/25 of the offence of following offences Count 1 - entering into a protected area without permit contrary to section 102(1) (a) as read with section 102 (1) (h) of the *Wildlife Conservation and Management Act* Cap 376 Laws of Kenya.Count 2- Undertaking extractive activity in a wildlife protected area without a permit or any other lawful exemption contrary to section 102(1) (g) as read with section 102(1)(h) of the *Wildlife Conservation and Management Act* Cap 376 Laws of Kenya.
2. He was on 26<sup>th</sup> August, 2025 after pleading guilty on both counts sentenced to pay a fine of kshs. 200,000/= in default to serve four (4) months imprisonment on each count. The applicant contends that the conviction was not reflective of the circumstances that led to the commission of the offenses and the harsh economic times. He sought for leniency since he had learnt his lesson and that he has a family which depends on him. He urged the court to be guided by sections 362-363 of the Civil Procedure Code in exercising its supervisory powers and call for the subordinate court file for revision of the proceedings together with the judgment and make a just finding.
3. The respondent opposed the application and urged the court not to interfere with the sentence since it was a lesson to the applicant and others. He further argued that the offence was a common one and that the fish being extracted from the lake was poisonous and dangerous to the members of the public.
4. Section 102(1) (h) of the *Wildlife Conservation and Management Act* provides as follows;



- (h) undertakes any related activity in wildlife protected areas contrary to the provisions of this Act: commits an offence and is liable on conviction to a fine of not less than two hundred thousand shillings or to imprisonment of not less than two years or to both such fine and imprisonment.
5. The high court's power of revision is set out in Article 165 which provides as follows:
- (6) The high court has supervisory jurisdiction over the subordinate courts and over any person, body or authority exercising a judicial or quasi-judicial function, but over a superior Court.
- (7) For the purposes of clause (6), the high court may call for the record of any proceedings before any subordinate court or person, body or authority referred to in clause (6), and may make any order or give any direction it considers appropriate to ensure the fair administration of justice.

Also see sections 362 & 364 of the Criminal Procedure Code.

6. This court has examined the record and notes that the applicant pleaded guilty to the two counts he was charged with and he was afforded an opportunity to mitigate. Subsequently, the court imposed the mandatory sentence provided for under section 102 (1) (h). That is a fine of kshs. 200,000/= for each count totalling to kshs. 400,000/= or in default to serve eight (8) months imprisonment. I note that under section 102(1)(h) as quoted above, the court is mandated to issue a fine not less than kshs. 200,000/= or to imprisonment of not less than two years.
7. The purpose of Revision by a superior court is to examine the record to satisfy itself on the correctness, legality, regularity etc of the proceedings. In this case I find nothing irregular and so I will not interfere with the sentence. Let the applicant raise his issues by way of Appeal, since he is displeased with the sentence.
8. The upshot is that the application lacks merit and is dismissed.
9. Orders accordingly.

**DELIVERED, DATED AND SIGNED THIS 29<sup>TH</sup> OCTOBER, 2025 IN OPEN COURT AT NAKURU.**

**H. I. ONG'UDI**  
**JUDGE.**

